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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,590	08/22/2003	Hidekazu Michioka	2003P12857US	8583
7590 11/17/2008 SEIMENS CORPORATION INTELLECTUAL PROPERTY 170 WOOD AVENUE SOUTH ISELIN, NJ 08830			EXAMINER	
			KIM, CHRISTOPHER S	
			ART UNIT	PAPER NUMBER
			3752	
			MAIL DATE	DELIVERY MODE
			11/17/2008	PAPER

## Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/645,590	MICHIOKA ET AL.	
Examiner	Art Unit	
Christopher S. Kim	3752	

have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for repty originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filled, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL    The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 (m), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).    AMENDMENTS		
1. ☑ The reply was filed after a final rejection. but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application, applicant must intelly file one of the following replies: (1) an amendment, affadity, or other avidance with jalaces the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  a) ☐ The period for reply expiresmonths from the mailing date of the final rejection.  b) ☑ The period for reply expiresmonths from the mailing date of the final rejection with the final rejection of the following time period for reply expires on: (1) the mailing date of the final rejection.  Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRML REJECTION. See WFEP 705 07(7).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee the under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; (2) as many reduce any examed patent term adjustment. See 37 CFR 1.70(b).  NOTICE OF APPEAL.  ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of Notice of Appeal was been flied, any reply must be filed within the time period so friend; not yet within a control of the indirection, even if main and the period set forms and the control of the final rejection, even if main the filed of the indirection, even if main the filed of Appeal within two months of the date of filing the Notice of Appeal was been filed, any reply must be filed within the time period so friend; in 37 CFR 41.37(a).  AMENDMENTS  a) ☐ The proposed amendment(s) filed after a fi	The MAILING DATE of this communication appears on the cover sheet with the correspondence address	
1. ☑ The reply was filed after a final rejection. but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application, applicant must intelly file one of the following replies: (1) an amendment, affadity, or other avidance with jalaces the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  a) ☐ The period for reply expiresmonths from the mailing date of the final rejection.  b) ☑ The period for reply expiresmonths from the mailing date of the final rejection with the final rejection of the following time period for reply expires on: (1) the mailing date of the final rejection.  Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRML REJECTION. See WFEP 705 07(7).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee the under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; (2) as many reduce any examed patent term adjustment. See 37 CFR 1.70(b).  NOTICE OF APPEAL.  ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of Notice of Appeal was been flied, any reply must be filed within the time period so friend; not yet within a control of the indirection, even if main and the period set forms and the control of the final rejection, even if main the filed of the indirection, even if main the filed of Appeal within two months of the date of filing the Notice of Appeal was been filed, any reply must be filed within the time period so friend; in 37 CFR 41.37(a).  AMENDMENTS  a) ☐ The proposed amendment(s) filed after a fi	THE REPLY FILED 13 May 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.	
periods:   The period for reply expires	1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of thi application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request	е
MONTHS OF THE FINAL REJECTION. See MPEP 705 07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been flied is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the malling date of the final rejection, even if timely filled, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL  2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filled within two months of the date of filling the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(b), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filled within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  3.  The proposed amendment(s) filled after a final rejection, but prior to the date of filling a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below);  (b) They raise the lissue of new matter (see NOTE below);  (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) They are not deemed to private a subject of the proposed and the proposed or amended place and the proposed or amended place and the proposed place and the proposed place	periods:  a) The period for reply expiresmonths from the mailing date of the final rejection.  b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. It no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.	
<ul> <li>2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 (a)), to avoid dismissal of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).</li> <li>AMENDMENTS</li> <li>3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);</li> <li>(b) ☐ They raise the issue of new matter (see NOTE below);</li> <li>(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</li> <li>(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.</li> <li>NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).</li> <li>4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).</li> <li>5. ☐ Applicant's reply has overcome the following rejection(s):</li></ul>	MONTHS OF THE FINAL REJECTION. See MPEP 706.07 (f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) a set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed may reduce any earned patent term adjustment. See 37 CFR 1.704(b).	e IS
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appeal; and/or  (d)  They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).  4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  5. Applicant's reply has overcome the following rejection(s):  6. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) ejected to:  Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE  8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)	The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because  (a) They raise new issues that would require further consideration and/or search (see NOTE below);  (b) They raise the issue of new matter (see NOTE below);	
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13. ☐ Other: /Christopher S. Kim/	The request for reconsideration has been considered but does NOT place the application in condition for allowance because:	
·	12. Note the attached Information <i>Disclosure Statement</i> (s). (PTO/SB/08) Paper No(s)  13. Other:	
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Continuation of 3. NOTE: The proposed amendment recites newly presented limitations.